

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:

BRANDY MICHELLE JOHNSON A/K/A  
BRANDY M. HENSLEY AND KEVIN  
WADE JOHNSON

Debtors

BCN#: 12-62735-RBC

Chapter: 13

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NATIONSTAR MORTGAGE LLC

or present noteholder,

Movant/Secured Creditor,

v.

BRANDY MICHELLE JOHNSON A/K/A  
BRANDY M. HENSLEY AND KEVIN WADE  
JOHNSON

Debtors

and

HERBERT L BESKIN(82)

Trustee

Respondents

MOTION FOR ORDER GRANTING  
RELIEF FROM AUTOMATIC STAY

NATIONSTAR MORTGAGE LLC, and/or present noteholder, (Movant herein), alleges  
as follows:

1. The Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §157 and §1334; 11 U.S.C. §362.
2. The above named Debtors filed a Chapter 13 Petition in Bankruptcy with this Court on December 4, 2012.
3. Herbert L Beskin(82), Trustee, has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.

Lindsey C. Kelly, Esquire

VS# 71314

James R. Meizanis, Esquire

VS# 80692

Gregory N. Britto, Esquire

VS# 23476

Daniel Eisenhauer, Esquire

VS# 85242

R.A. Hurley, Esquire

VS# 78616

William M. Savage, Esquire

VS# 06335

Shapiro & Brown, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320

(757) 687-8777 15-251231

4. Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 12281 Spotswood Trail, Ruckersville, VA 22968 and more particularly described in the Deed of Trust dated August 1, 2011 and recorded as Deed Book/Instrument Number BOOK 1321 PAGE 28-43, RECORDED ON 08/01/2011, among the land records of the said city/county, as:

All that certain lot or parcel of land lying and being in the Ruckersville Magisterial District of Greene County, Virginia, containing 43,642 square feet, fronting on the U.S. Route 33 and designated as Lot 15 of Quinke Woods Subdivision as shown on a plat of survey by R.O. Snow, CLS, dated December 22, 1983 and recorded in the Clerk's Office of the Circuit Court of the County of Greene, Virginia on Plat Card; BEING the same property conveyed to Kevin Johnson by deed recorded immediately prior hereto.

5. Movant is informed and believes and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtors.

6. The Debtors are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 Petition. As of December 15, 2016 the Debtors are due for:

- o 3 post petition monthly payments from October 2016 to December 2016 of \$607.92 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$850.00
- o Bankruptcy Costs of \$181.00
- o Total of \$2,854.76

7. As of December 15, 2016 the unpaid principal balance on the said note is \$87,834.19.

8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

9. Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

10. Continuation of the automatic stay of 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362 due to the aforementioned facts.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, that the 14 day waiting period imposed by F.R.B.P. 4001(a)(3) be waived in this instant bankruptcy proceeding only, and for such other relief as the court may deem meet and proper.

Dated: January 11, 2017

Shapiro & Brown, LLP  
Attorneys for Movant

By: /s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
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Certificate of Service

I certify that I have this 11<sup>th</sup> day of January, 2017, electronically transmitted and/or mailed by first class mail, postage pre-paid, true copies of the Motion For Relief From Stay to the following:

Marshall Moore Slayton  
Slayton Law, PLC  
913 East Jefferson Street  
Charlottesville, VA 22902-4738

Herbert L Beskin(82)  
PO Box 2103  
Charlottesville, VA 22902

Kevin Wade Johnson and Brandy Michelle Johnson  
12281 Spotswood Trail  
Ruckersville, VA 22968

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/s/ R.A. Hurley

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NOTICE IS HEREBY GIVEN THAT:

A hearing upon the captioned motion will be held at **9:30 AM, on February 9, 2017**, at the following location:

United States Bankruptcy Court  
255 West Main Street  
Charlottesville, VA 22902

I certify that I have this 11<sup>th</sup> day of January, 2017, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice to the following:

Marshall Moore Slayton  
Slayton Law, PLC  
913 East Jefferson Street  
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Charlottesville, VA 22902

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/s/ R.A. Hurley

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